IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 9805 of 1999

Between:

1. Ekkaladevi Narsamma D/o Mallaiah
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
2. Ekkaladevi Lingamma D/o Mallaiah
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
3. Chirram Rajamma D/o Narsaiah
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
4. Chirram Gangamallu s/o Peddarajam
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
5. Chirram Gangarajam S/o Peddarajam
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
6. Koilkar Rajanna S/o Narsingam
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
7. Chirram Mallaiah S/o Chinnarajam
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
8. Chirrram Papamma D/o Devaiah
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
9. Chirram Rajaram S/o Mallaiah
   r/o Lingampet Village, Jagtial Mandal ,
   Karimnagar Dist.
10. Chirram Gangaram s/o Pottaiah
    r/o Lingampet Village, Jagtial Mandal ,
    Karimnagar Dist.
11. Mohd. Zaheeruddin s/o M.D Hafeez Uddin
    r/o Lingampet Village, Jagtial Mandal ,
    Karimnagar Dist.
12. Mohd. Azeemuddin s/o M.D Hafeez Uddin

r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

13 Mohd. Nizamuddin s/o M.D Hafeez Uddin
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
14 Mohd. kleemuddin s/o M.D Hafeez Uddin
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
15 Battula Rajaram s/o Rajam
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
16 Rajeswara Rao s/o Bheemaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
17 Gaddam Gangaram s/o Dannaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
18 Badugu Narsaiah s/o Chinna Rajam
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
19 Donga Bhoomaiah S/o Dharmaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
20 Gummula Rajamma W/o Bhoomaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
21 Gummula Bhemamma W/o Narsimulu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
22 Gummula Gangaram S/o Narsimulu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
23 Yedmala Rajaiah S/o rajaram
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
24 Marrikindi Chinnarajalingam S/o Rajam
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
25 Yedmala Bheemaiah S/o Ramaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
26 Marrikindi Gangaram S/o Mallaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

27 Depathi Sridevi W/o Girdhar
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
28 Kola LingaReddy S/o Chokkaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

29 Peddi Dharmaiah S/o rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
30 Somireddy Rajaram S/o Rajalingam
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
31 Kondoji Laxminarayana s/o rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
32 Kandlapalli Mallaiah S/o Rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
33 Marrikindi Gangaram s/o Bhoomaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
34 Marveni Gangu W/o Lingaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
35 Yanaganti Venkateshu S/o Bhoomaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
36 Atmakur Rajanna s/o Narsaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
37 Sarigale Bhoomaiah S/o ramaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
38 Armula Narsamma W/o GAngaram
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
39 Armula Narsaiah S/o Ashaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
40 Armula Ramulu S/o Narsaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
41 Armula Lachaiah s/o Rajam
r/o Lingampet Village, Jagtial Mandal ,

Karimnagar Dist.

42 Armula Rajaiah S/o Lashmaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

43 Armula Lachaiah S/o Lashmaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

44 Armula Lachaiah S/o rajam
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

45 Smt. Sarigala Narsaiah S/o Narsimulu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

46 Sarigala Buchamma W/o Bhoomaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

47 Donga Bhemmaiah S/o Dharmaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

48 Maddipadiga Mallaiah s/o Rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

49 Chintakindi Bhoomaiah s/o narsaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

50 Chintakindi Rajam s/o Pottaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

51 Turka Ramaiah S/o Rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

52 Dyavatham Thirupathi s/o Rajam
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

53 Dubbaiajgari Rajam S/o Pochalu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

54 Ponnala Rajaiah s/o Rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

55 Pulla Venkulu s/o Bhemmaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

56 Armula Rajam s/o Chinna Narsaiah

r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

57 Ekkaladevi Ganga Raju s/o Pochamallu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

58 Kandlapalli Bheemaaiah s/o Rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

59 Armula Hanmanthu s/o Pochalu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

60 Kottakonda Gouramma W/o Rajamallu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

61 Jangam Narsaiah S/o Sambaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

62 Jangam Narsaiah s/o Chinna Nampalli
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

63 Sarigala Lachaiah S/o Narsingam
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

64 Yelgandula Mallamma W/o Rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

65 Tuparapu Vijaya d/o Narsimulu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

66 Kallapalli Pochaiah S/o Rajaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

67 Chirram Mallaiah S/o Bhoomaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

68 Toparapu Shanker S/o Venkulu
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

69 Toparapu Dharmaiah S/o Gouraiah @ Gouruvaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

70 Toparapu Ramulu S/o Gouruvaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

71 Velpula Rajalingam S/o Venkati
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
72 Gummula Narsamma W/o Narsaiah
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.
73 Cheruku Prasad Rao S/o Chiranjeeva Rao
r/o Lingampet Village, Jagtial Mandal ,
Karimnagar Dist.

..... PETITIONERS

AND

1 The District Collector, Karimnagar.
2 The Joint Collector, Karimnagar .
3 The Land Acquisition Officer/Mandal Revenue Officer, Jagtial ,
Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to directing the respondents more particularly the respondent 1 & 2 to refer the applications of the petitioners dt 20-3-95 filed U/s 18 of LA Act which were received by the office of the 3rd respondent on 27-3-95 and 30-3-95 to the civil court for enhancement of compensation within four weeks from the date of receipt of the order by duly declaring the memos issued by the thirds respondent vide proc. No.B/1191/92, dt.13-2-96 rejecting the applications on the grounds that the matter was referred to the 1st respondent to accord permission to refer the matter to the civil court u/s 18 of LA Act. and the same has been rejected by the 2nd respondent vide proc. No.B1/8686/95, dt.20-12-95as illegal , arbitrary and contrary to the provisions of LA act and violative of Art.14 of the constitution of India and also well settled principles laid down under Land Acquisition Act.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9805 OF 1999

ORDER:

The petitioners, who are seventy-three in number, seek a Writ of Mandamus directing third respondent to refer the land acquisition proceedings to Civil Court under Section 18 of the Land Acquisition Act, 1894 (for short, the Act). The petitioners own lands in Lingampet Village. The lands were acquired for construction of summer storage tank by notification under Section 4(1) of the Act. The Land Acquisition Officer (LAO), passed award on 10.3.1995. The petitioners were served notices under Section 12(2) of the Act on 10.3.1995 and 15.3.1995. The petitioners immediately submitted representations on 20.3.1995 requesting the LAO to refer the matter to Civil Court under Section 18 of the Act, which was rejected by Memo dt.13.2.1996. Said Memo reads as under:

In the reference 2nd cited the matter was referred to the Collector, Karimnagar to accord permission to refer the matter to Civil Court u/S 18 of the

L.A.Act. After perusing the connected record, the request for reference under Section 18 of L.A.Act has been rejected vide reference 3rd cited.

Therefore, all the concerned are informed that the request for referring the matter to civil court u/s 18 of the L.A.Act has been 'Rejected'.

In the counter affidavit filed by the Mandal Revenue Officer it is also stated that the petitioners did not lodge any protest at the time of passing the award and therefore they are not entitled to seek reference.

Learned counsel for the petitioners, Sri Ravikiran Rao, placed reliance on the judgment of Full Bench of this Court, to which I was a member, in **District Collector, Kakinada v. P. Nagabhushana Rao**[1]**.** In the said case, the Full Bench considered the question as to whether the claimants, who failed to protest at the time of receiving compensation, can make applications within stipulated time and seek reference to Civil Court and whether the acceptance of the amount without protest amounts to waiver of the right to seek reference under Section 18 of the Act. After referring to various provisions of the Act, as well as the relevant decisions, this Court held as under:

> In the view we have taken, we answer the reference holding that in the absence of any manner of protest having been specified in the Act and the time when protest is to be lodged, act of filing of an application seeking reference to Civil Court within the period of limitation prescribed under Section 18 of the Act will impliedly infer that the claimant/person interested had accepted the amount with protest. Not expressly lodging protest at the time of receiving amount in such circumstance would not amount to waiver of the right to seek reference under Section 18 of the Act.

In this case, it is not denied that the petitioners herein made a request seeking reference to Civil Court within a period of six weeks from the date of passing award. Therefore, the rejection of the request is unsustainable. The legal position is not seriously disputed by the learned counsel for the other side.

Therefore, the Writ Petition is allowed directing the LAO to refer the matter to Civil Court. As and when reference is made, the Civil Court shall dispose of the reference as expeditiously as possible, preferably within a period of six months. It is made clear that though rejection order was passed on 13.2.1996, petitioners chose to file Writ Petition only on 29.4.1999 and therefore *ex debito justitiae* it is ordered that petitioners shall not be entitled for interest for the period from 13.2.996 to 29.4.1999 and also the compensation under Section 23(1-A) of the Act.

The Writ Petition is accordingly allowed without any order as to

costs.

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(V.V.S.RAO, J)

13.9.2004
bnr

The Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Monday, the Thirteenth Day of September, Two Thousand and Four

DEPUTY REGISTRAR

To
1 The District Collector, Karimnagar District, Karimnagar.
2 The Joint Collector, Karimnagar.
3 The Land Acquisition Officer/Mandal Revenue Officer, Jagtial, Karimnagar Dist.
4 2 CCs to G.P. for Land Acquisition, High Court Bldgs., Hyderabad(OUT)
5 2 CD copies.

[1] 2003 (6) ALD 48